



Atty. Docket No. 201-0700

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Reply
Brief
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I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

January 6, 2004
Date

Melanie S. Jernberg
Melanie S. Jernberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3661
Examiner : Olga Hernandez
Applicant : Erik Coelingh et al.
Appln. No. : 10/063,951
Filing Date : May 29, 2002
Confirmation No. : 2367
For : INTEGRATION OF ACTIVE ASSIST AND VEHICLE DYNAMICS CONTROL AND METHOD

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Dear Sir:

APPLICANT'S REPLY UNDER 37 C.F.R. §1.193

This is in reply to the Examiner's Answer dated as mailed November 18, 2003.

Items (1-9)

The Examiner has agreed that these items are acceptable as listed in the Appeal Brief.

Items (10 and 11); Reply to Examiner's Ground of Rejection and Arguments

The Applicants' Appeal Brief stands, and is incorporated herein in its entirety. The following comments are intended to directly reply to the Examiner's Answer.

In the Examiner's Answer, the Examiner states that the Applicant has identified and recognized "that elements 10 or 24 are at least one driver input from a driver subsystem and so on." However, the Examiner has used the numbers 10 or 24 as at least one driver input from a driver subsystem, a driver output from a driver subsystem and an active assist subsystem, and Applicants were merely using the Examiner's terminology in the Office Action without

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admitting that the Examiner is correct. Furthermore, Applicants note that the Examiner has not responded to any of the arguments set forth in the Appeal Brief regarding the improper rejection of the claims under 35 U.S.C. §103. Most notably, the Examiner's Answer continues to reject claims 8 and 18 by modifying the Sigl '735 patent to have an intended driving demand including a wheel angle demand when claims 8 and 18 define the intended driving demand as including a yaw rate demand.

Conclusion

Each appealed claim recites features that are not disclosed by any of the cited references and it would not have been obvious to modify the cited references to include the recited features of the appealed claims. The references upon which the Examiner relies in the Examiner's rejections of the finally rejected claims do not disclose or suggest a driver subsystem and an active assist subsystem as claimed or an intended driving demand derived from a combination of at least one driver input and at least one active input if at least one active assist program is in the on setting and if the driver of the vehicle does not overrule the at least one active assist program, otherwise the intended driving demand is derived from the at least one driver input. Applicant's invention resolves problems and inconveniences experienced in the prior art, and therefore represents a significant advancement in the art. Applicant earnestly requests that the Examiner's final rejection of claims 1, 6-11 and 16-20, inclusive, be reversed, and that the application be passed to issuance forthwith.

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Respectfully submitted,

ERIK COELINGH ET AL.

By: Price, Heneveld, Cooper,
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11/6/04
Date

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